CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

INITIAL STUDY

PROJECT FILE NO.: PDC07-009, PD07-010, PT07-051 and Subsequent Permits

PROJECT DESCRIPTION: Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 2,800 square feet of commercial uses and up to eight residential units in a mixed-use development on a 0.24 gross acre site

PROJECT LOCATION: Southeast corner of the intersection of The Alameda and Bush Street

EXISTING GENERAL PLAN DESIGNATION: Residential Support for the Core (25+ Dwelling Units/Acre)

EXISTING ZONING: LI-Light Industrial

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

	Land Use	General Plan	Zoning
North:	Commercial	No Underlying Designation	A(PD) Planned Development
South:	Under Construction	Residential Support for the Core	A(PD) Planned Development
East:	Commercial/Office	Residential Support for the Core	A(PD) Planned Development
West:	Multi-Family Residential	Residential Support for the Core	A(PD) Planned Development

PROJECT APPLICANT'S NAME AND ADDRESS:
John Ngyuen, CFC Capital Group, 500 E Calaveras Boulevard, Milpitas CA

DETERMINATION
On the basis of this initial study:

☐	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
☐	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
☐	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

Note: Minor text change to page 13 of this Initial Study to reflect updated noise measures pursuant to updated Noise Technical Report, dated August 13, 2008.

July 24, 2008
Date

Signature

Name of Preparer: Sanhita Mallick, City of San Jose

I. AESTHETICS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	☐	☐	☐	☒	1,2

FINDINGS:

The proposed project would alter the existing visual character of the site and its surroundings through various means including the demolition of a 10,300 square feet currently vacant commercial building and the construction of 10,534 square feet of retail space and eight single family attached residential units. However, the proposed project would not significantly degrade the existing visual character of the site in that the project would be required to undergo architectural and site design review by Planning Staff to ensure compatibility with the surrounding neighborhood.

Lighting
Exterior building and parking lot lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting, however it would not adversely affect adjacent uses or views in the area. The project would be required to conform to the City's Residential Design Guidelines and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

STANDARD MEASURES: The project shall implement the following standard measure(s):

- Design of the project shall conform to the City's Residential *Design Guidelines.*
- Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

MITIGATION MEASURES: None required.

II. AGRICULTURE RESOURCES - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	1,3,4

FINDINGS:

The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

MITIGATION MEASURES: None Required.

III. AIR QUALITY - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,14
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,14

FINDINGS:

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate only minimal number of vehicle trips per day, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

STANDARD MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

IV. BIOLOGICAL RESOURCES - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,2

FINDINGS:

The site is completely covered by the existing building. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. There are no trees on the site. Bats may be inhabiting the empty building.

MITIGATION MEASURE for Bats:

Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to the building demolition or construction activities. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

V. CULTURAL RESOURCES - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☒	☐	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☒	☐	☐	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	1,8

FINDINGS:

Historic Resources:

A historic evaluation of the property was prepared by Robert Cartier of Archaeological Resource Management and was dated July 21, 2008 (attached as Appendix A). This evaluation included: (1) A State of California-Department of Parks and Recreations Historic Resources Evaluation form (DPR 523) and (2) Evaluation of the structure using the criteria of the National Register of Historic Places.

According to the report, the current building on the site is not eligible for listing in either the California Register of Historic Resources or the National Register of Historic Places. The structure is not architecturally significant and the property is not associated with persons or events significant to local, regional or national history. The structure was identified as a non-significant according to the City of San Jose's Historic Evaluation Tally Sheet. Therefore the removal of this building from the project site does not cause a significant impact according to CEQA guidelines. The City's Historic Preservation Officer has reviewed this report and concurs with these findings.

Cultural Resources :

The following discussion is based upon a cultural resources evaluation completed by Archaeological Resource Management on April 10, 2007. As the report may discuss the location of specific archaeological sites, it is considered administratively confidential and is not included in this Initial Study. Qualified personnel may request a copy from the City's Planning Division located at 200 East Santa Clara Street, Floor 3, during normal business hours.

MITIGATION MEASURES for Archaeological Resources: There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1,5,24
2) Strong seismic ground shaking?	☐	☐	☒	☐	1,5,24
3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,5,24
4) Landslides?	☐	☐	☐	☒	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,5,24

FINDINGS:

Due to its location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for

liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. A recommended depth of 50 feet should be explored and evaluated in the investigation.

STANDARD MEASURES:

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

FINDINGS:

The Phase I and Phase II Soil Investigation Reports were prepared for the site by AEI Consultants. A copy of these reports, entitled Phase I Subsurface Investigation Report and Phase II Subsurface Investigation Report, dated September 8, 2005, are included in Appendix B of the Initial Study.

AEI's investigation has revealed no evidence of recognized environmental conditions associated with the subject property or nearby properties. AEI recommends no further investigations for the subject property at this time. However, it is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property.

Some other environmental issues that do not qualify as recognized environmental conditions, as defined by the ASTM Standard are the following:

- Subsurface remnants of two former hydraulic lifts, left from a historic use of the property for a tire service, were detected. A Phase II Soil Report showed that no traces of hydraulic fluid was present in the soil.
- All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse. Miscellaneous hazardous materials were used in association with different shop operations performed onsite. With the exception of minor staining observed throughout the warehouse floor, presumably originating from spray painting activities, no evidence of the mismanagement of these materials was observed during the site reconnaissance. The use of these materials onsite is not expected to represent a significant environmental concern.

The project is not currently included on the State DTSC's Hazardous Waste and Substances Site List (Cortese List), the project site is not listed on other federal, state or local databases. Historical uses of the site include a sheet metal workshop and a tire changing shop. There is no historical information that indicates the location or use of hazardous materials at the subject site. The report concludes that subsurface investigation of the property is not warranted.

The City's Municipal Environmental Compliance Officer reviewed the environmental site assessment reports and recommended that after the existing building is demolished, an environmental consultant should be retained to evaluate the underlying soils for potential contamination, and appropriate measures be taken as necessary. This action will reduce any possible environmental impact to less than significant level.

Development of the proposed project will require the demolition of a vacant commercial building built in the 1920's on the site, which may contain asbestos building materials and/or lead-based paint. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

STANDARD MEASURES:

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

  All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

  During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MITIGATION MEASURES:

1. Prior to the issuance of Grading Permit, a report shall be submitted to the to the satisfaction of the City's Municipal Compliance Officer and the Director of Planning, Building and Code Enforcement indicating the results of the following: After demolition of the building, a qualified environmental consultant shall be retained to evaluate the underlying soil for potential contamination. The consultant should look for evidence of discolored soil, sumps, drains or other structures where historic hazardous materials release might have occurred due to the sheet metal and automotive business. Additional soil samples shall be collected from the project site and analyzed for solvents and metals as well as petroleum contamination.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,17
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

FINDINGS:

- *Flooding/Drainage*

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

- *Water Quality – During and Post-Construction*

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. New construction in San Jose is subject to the conditions of the City's NPDES Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City's Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

The proposed project is 0.24 acres in size. The site is currently covered with 10,195 sq. ft. of impervious surface. The proposed project will add 37 sq. ft. of impervious surface for a total impervious surface of 10,232 sq. ft.

The project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON

	Existing Condition (sqft)	%	Proposed Condition (sqft)	%	Difference (sqft)	%
Site (acres): .24	**Site (sqft): 10525**		**10525**		**-**	
Building Footprint(s)	9495	90.2%	9816	94.6%	321	4.4%
Parking	-	-	-	-	-	-
Sidewalks,Patios, Paths, etc.	700	6.7%	416	3.9%	284	2.8%
Landscaping	330	3.1%	293	2.8%	37	0.3%
Total	**10525**	**100%**	**10525**	**100%**		
Impervious Surfaces	10195	96.9%	10232	97.2%		
Pervious Surfaces	330	3.1%	170	2.8%		
Total	10525	**100%**	**10525**	**100%**		

STANDARD MEASURES: Implementation of the following measures, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

Construction Measures Standard Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:

    1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
    2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay.* Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

- The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

    1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
    2. Utilize on-site sediment control BMPs to retain sediment on the project site;
    3. Utilize stabilized construction entrances and/or wash racks;
    4. Implement damp street sweeping;
    5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
    6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction Standard Measures

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.

- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

IX. LAND USE AND PLANNING - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Physically divide an established community?	☐	☐	☒	☐	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2

FINDINGS: Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed project will not physically divide an established community, and the project is consistent with the site's General Plan Land Use designation and The Midtown Specific Plan.

Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed project would provide infill housing within an existing residential/commercial neighborhood, and would therefore not physically divide an established community but rather provide a completion of that community. The proposed project will be subject to architectural and site design review by the City at the Planned Development Permit stage. Such review will include conformance with the City's adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. A less than significant impact would occur as a result of the project.

X. MINERAL RESOURCES - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,23

FINDINGS:

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

MITIGATION MEASURES: None Required.

XI. NOISE - Would the project result in:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1

FINDINGS:

The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long term, and 60 DNL short term. The acceptable interior noise level is 45 DNL. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport.

Edward L Pack Associates, Inc. prepared a Site Environmental Noise Study for the subject site on March 28, 2007. The noise study is contained in the technical appendix C. Based on measurements of existing noise levels, the exterior noise level at the site varies from 62 to ~~68~~ 70dB DNL, and is estimated to increase to about a range of 63 to ~~71~~ 73dB DNL in the future. The majority of the exterior balconies will be 65 dB DNL or less.

1. Noise Impacts from the Project

a) Project-Generated Traffic / Noise Impacts

As described in the Transportation section, the proposed project would generate only marginal net new average daily trips. As traffic would normally have to double to create a significant impact, traffic generated by this project is not expected to substantially increase noise levels in the project area.

b) Short-Term Construction Impacts

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal. Noise impacts resulting from construction depend on: 1) the noise generated by various pieces of construction equipment; 2) the timing and duration of noise generating activities; 3) the distance between construction noise sources and noise sensitive receptors; and 4) existing ambient noise levels. The demolition of the existing building and concrete crushing activities on-site and the construction of the proposed building would generate noise and would temporarily increase noise levels at nearby sensitive land uses. No pile driving would be required for construction of the proposed project.

Typical hourly average construction noise levels are 75 to 80 dBA measured at a distance of 100 feet from the site during busy construction periods. Concrete crushing equipment would generate noise levels of approximately 80 to 85 dBA at 50 feet. Such noise levels would be intermittently audible to residences within 1,000 feet of the construction site.

Construction activities may also result in annoyances to existing commercial development adjacent to the project site. However, because the duration of construction would be approximately 16 months, the project would not result in significant short-term construction related noise impacts. Further, mitigation measures, as described below, are included in the project to avoid or further reduce noise impacts.

2. Noise Impacts to the Project

a) Exterior Noise Levels

The future exterior noise level at the site may range from 63 to 71 DNL. The majority of the exterior balconies will be 65 dB DNL or less.

b) Interior Noise Levels

The report concludes Sound Transmission Class (STC) rated dual-pane windows could achieve an interior noise level of 45 DNL with windows closed. An acoustical consultant should review unit plans at the Planned Development (PD) Permit stage to confirm that the exterior assemblies will provide sufficient attenuation to meet the 45 DNL interior noise level. In addition, mechanical ventilation of individual units must be provided to allow windows to remain closed so that they will attenuate exterior noise levels. Exterior noise levels would not meet the long-term exterior noise level of 60 DNL because of vehicular traffic on The Alameda, railroad operations at nearby Cahill Station, aircraft operations at Mineta/San Jose International Airport, and activity at the nearby San Jose Auto Steam Cleaning facility. As stated above, the General Plan recognizes exterior noise levels may not be achievable in the vicinity of major roadways.

All new multi-family housing is subject to the requirements of Title 24, Part 2, of the State Building Code. Since noise levels exceed 60 DNL on the site, an analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the City Building Department prior to issuance of a building permit. The report shall demonstrate that the design would achieve an interior DNL of 45 or less in all habitable residential areas. Typically, where the exterior noise levels are between 60-70 DNL, treatments include forced-air mechanical ventilation or air conditioning as necessary to achieve a habitable interior environment with the windows closed. Sound-rated windows and sound-rated doors are not typically required.

STANDARD MEASURES:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Post-construction mechanical equipment shall conform to the City’s General Plan limitation of 55DNL at residential property lines and 60DNL at commercial property lines.

MITIGATION MEASURES:

1. The developer shall implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
   - Early and frequent notification and communication with the neighborhood of the construction activities.
   - Prohibit unnecessary idling of internal combustion engines.

2. Standard mitigation measure for mechanical ventilation
   - All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
   - As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.
   - Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

XII. POPULATION AND HOUSING - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

FINDINGS:

The proposed project would not induce substantial population growth because it has a net density of 33 DU/AC which is consistent with the General Plan Land Use/Transportation Diagram designation of Residential Support for the Core (25+ DU/AC).

MITIGATION MEASURES: None Required.

XIII. PUBLIC SERVICES

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☒	☐	1,2
Schools?	☐	☐	☒	☐	1,2
Parks?	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☒	☐	1,2

FINDINGS:

The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by fire station no. 30 at 454 Auzerais Avenue located within 0.9 miles of the site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. Therefore, the project will have a less than significant impact on school facilities.

There are a number of developed parks within walking distance (3/4 mile) of the project site. The closest Park is Cahill Park located 700 feet south of the site along Bush Street. Guadalupe River Park is located about 1500 feet east of the site along The Alameda.

STANDARD MEASURES:

- In accordance with California Government Code Section 65996, the developer shall pay a school impact fee, to the School District, to offset the increased demands on school facilities caused by the proposed project.

- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

MITIGATION MEASURES: None Required

XIV. RECREATION

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

FINDINGS:

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site and would add to the residential population using nearby recreational facilities. However, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

STANDARD MEASURES:

- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

MITIGATION MEASURES: None Required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☒	☐	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,19
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,20
f) Result in inadequate parking capacity?	☐	☐	☒	☐	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	1,2,18

FINDINGS:

The City's Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact.

The proposed project is providing 20 parking spaces, which is in conformance with City's Residential Design Guidelines of 1.8 spaces per unit and the Zoning Ordinance for 1 parking space per 400 square feet of commercial use.

MITIGATION MEASURES: None Required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1,21

FINDINGS:

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1

FINDINGS:

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to air quality, water quality, noise and hazardous materials. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

*** Exibit C - Development Plans**

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC07-009
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974

Appendix

Archaeological Resource Management

Robert R. Cartier, Ph.D.
496 North 5th Street
San Jose, CA 95112
Telephone (408) 295-1373
Fax (408) 286-2040
email: armcartier@netscape.net

Mr. John Nguyen
CFC Commercial Finance Corporation
500 East Calaveras Boulevard, Suite 329
Milpitas, CA 95035

July 21, 2008

Dear Mr. Nguyen:

As per your request our firm is submitting the enclosed historical evaluation of the structure at 746 The Alameda in the City of San Jose. Based upon the requirements of the City of San Jose, a methodology was designed which included the following services:

- a State Historic Resources Evaluation form (DPR 523) for the structure
- evaluation of the structure using the criteria of the National Register of Historic Places and the California Register

Based upon the results of this investigation, it was determined that the structure at 746 The Alameda does not appear to be eligible for listing in either the California Register of Historic Resources or the national Register of Historic Places. The structure is not architecturally significant, and no persons or events significant to local, regional, or national history are associated with the property. The structure received a point score of 29.5 on the City of San Jose Historic Evaluation tally sheet, identifying it as a non-significant structure. Therefore it is determined that the residence is lacking in historic significance, and no further recommendations are being made in regards to the structure. However, research has shown that an earlier structure was present on the property, dating to the 1880's. Thus, archaeological monitoring is recommended during subsurface demolition of the current structure, due to the potential presence of subsurface historic materials associated with this earlier occupation of the property.

Sincerely,

Robert Cartier, Ph.D.
Principal Investigator

RC/dj

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

Page _1_ **of** _12_ **Resource Name or #** 746 The Alameda

P1. Other Identifier: _____

P2. Location: ____ **Not for Publication** __x **Unrestricted** ***a. County** __Santa Clara_____
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

***b. USGS 7.5' Quad:** San Jose West **Date:** 1979 **T** ; **R** ; **1/4 of** **1/4 of Sec** ; **BM**

c. Address: 746 The Alameda **City:** San Jose **Zip:** 95126

d. UTM: 5 97 068mE/41 32 007mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
APN: 261-33-039

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
The structure at 746 the Alameda is a single story commercial building in good to fair condition. The structure is of tilt-up reinforced concrete construction. The roof is flat, without eaves. The exterior walls for the majority of the structure consist of concrete, painted a light gray. A modernist front façade, containing a cantilevered overhang, ribbons of plate glass windows, and a natural stone finish, adds visual interest to this otherwise utilitarian structure. Multiple roll-up garage doors on the west side of the structure provide vehicular access to the building. The interior of the structure consists of a front entry room, with a single large storage/work area behind. The interior is lacking in architectural detailing.

***P3b. Resource Attributes:** (List attributes and codes.) HP06

***P4. Resources Present:** _x_ Building __Structure __Object __District __Element of District __Site __Other

P5a. Photo or drawing (Photo required for buildings, structures, objects.)

P5b. Description of Photo: (View, date, accession #)
View of the front façade of the structure at 746 The Alameda

***P6. Date Constructed/Age and Sources**
Historic X Prehistoric Both
Constructed 1966

***P7. Owner and Address:**
746 The Alameda LLC
C/O: Ms. Moon Pham
500 E. Calaveras Boulevard, Suite 329
Milpitas, CA 95035

***P8. Recorded by:**
Robert Cartier
Archaeological Resource Management
496 North 5th Street
San Jose, CA 95112

***P9. Date Recorded:** 7/21/08

***P10. Survey Type:** Intensive

***P11. Report Citation:** (Cite Survey Report and other sources, or enter "none.")
None

* Attachments: __None _x_Location Map __Sketch Map _x_Continuation Sheet _x_Building, Structure, and Object Record __Archaeological Record __District Record __Linear Feature Record __Milling Station Record __Rock Art Record __Artifact Record __Photographic Record __Other (List):

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____
HRI # _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page _2_ **of** _12_ ***NRHP Status Code** _____

***Resource Name or #** (Assigned by recorder) ___746 The Alameda_____

B1. Historic Name: __Gerard Tire Service_____

B2. Common Name: __746 The Alameda_____

B3. Original Use: ___Light Industrial **B4. Present Use:** __Commercial (vacant)_____

***B5. Architectural Style:** __vernacular with modernist façade addition

***B6. Construction History:** (Construction date, alterations, and date of alterations)

Based upon appraisers documentation, construction permits, and Sanborn maps, the current structure at 746 The Alameda was constructed in 1966. Since that time it appears that only minor alterations have been made to the structure. No architect is listed for the structure on appraiser's or construction documentation provided by the County of Santa Clara.

***B7. Moved?** _x_ **No** ___ **Yes** ___ **Unknown** **Date:** _____ **Original Location:** _____

***B8. Related Features:**

None

B9a. Architect: __Unknown_____ **b. Builder:** __Unknown_____

***B10. Significance: Theme** __Manufacturing & Industry____ **Area** __San Jose, CA_____

Period of Significance Inter-War: 1926-1943 **Property Type** __Private Commerical **Applicable Criteria** ___N/A____

Based upon visual evaluation and available documentation, the structure at 746 the Alameda was constructed in 1966. A previous structure was present on the property, demolished in 1965. This structure appears to have dated back to the 1880's based upon the Sanborn Fire Insurance Map of 1884. The earliest known owners of the property were Mary C. and Francis M Keesling, who had mortgaged the property in 1921 (Book 231 of Mortgages, Page 426). Beginning in 1926, a sheet metal works business was run on the property, originally known as Moody & Eitzert Sheet Metal Works, by 1930 it was simply listed as Henry Eitzert Sheet Metal Works.

Henry Eitzert's parents had come to California in 1870 from Germany, settling in Salinas. When Henry was twelve, his family moved to San Jose. Leaving high school as a teenager, Henry took a job in a metal shop, and opened up his own shop in 1920. This first shop was located at 298 W. Santa Clara Street. After moving his business to the subject property in the mid 1920's, Henry Eitzert ran his sheet metal business out of that location until 1942. Working for a brief stint at Food Machinery Corporation during WWII, Eitzert reopened his business at a new location on Montgomery Street after the war. Eitzert specialized in decorative architectural metal work, and did finishing work on many older buildings in downtown San Jose.

See Continuation Sheet, Page 4

B11. Additional Resource Attributes: (List attributes and codes) _____

***B12. References:**

See Continuation Sheet, Page 7

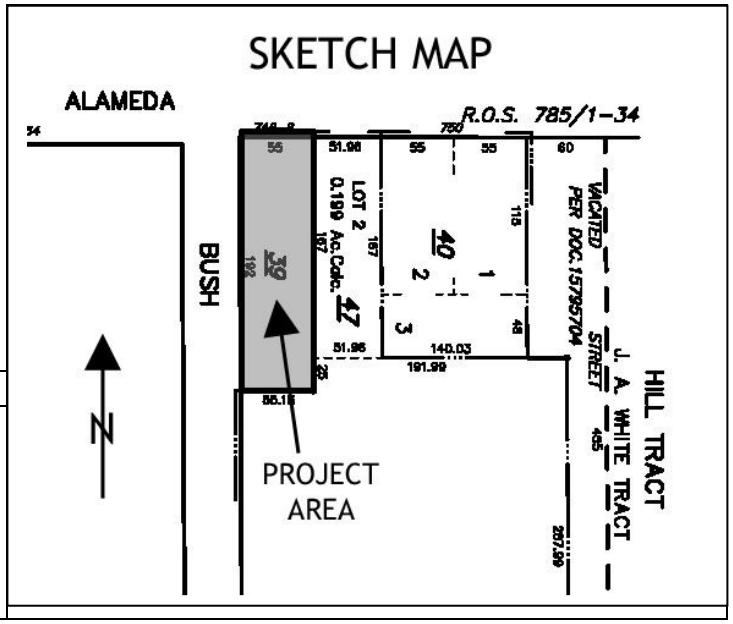
B13. Remarks:

***B14. Evaluator:** ___Robert R. Cartier_____

***Date of Evaluation:** ___7/21/08_____

(This space reserved for official comments.)

SKETCH MAP



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

LOCATION MAP

Primary # _____
HRI # _____
Trinomial _____

Page 3 **of** 12 **Resource Name or #** (Assigned by recorder) 746 The Alameda
***Map Name:** San Jose West ***Scale:** 7.5 Minute ***Date of Map**: 1979

Continued from B10:

He retired in 1964, and died in 1981 at the age of 95 (SJ Mercury, 1981). On November 20, 1942 the property was granted by the estate of Mary C. Keesling to Mr. Robert Harris (Bk 1118 of Official Records, Page 411). From 1944 until 1963 the property was the site of an antiques business run by Mary (AKA Mae or May) Donovan. The previous structure was during this period divided into two addresses, 746 and 748 The Alameda, and also contained a variety of additional businesses including D. J. Donovan Second Hand Goods, and Albert Campbell Antiques. Mary Donovan purchased the property from Robert Harris and his wife Mary on April 14, 1955 (Book 3152 of Official Records, Page 320). On December 26, 1963 the property was sold to D. K. & H. Development (Book 6456 of Official Records, Page 454). In July of the following year ownership was transferred to Duncan and Shirley Iwagaki, and Edward and Doris Ann La Croix (Book 6570 of Official Records, Page 342). The original structure on the property was demolished in 1965, and the new structure, of reinforced concrete tilt-up construction, was built in 1966.

From the late 1960's until 1986 the structure housed Gerard Tire Service, after a brief period of vacancy the structure reopened in 1990, housing a succession of fabric stores until 1998. On December 13, 2004 the property was sold to Klifo Family Investments LLC (Assessors Doc# 18142117). The structure is now owned by the 746 The Alameda LLC..

California Register of Historic Resources Criteria

A cultural resource is considered "significant" if it qualifies as eligible for listing in the California Register of Historic Resources (CRHR). Properties that are eligible for listing in the CRHR must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Association with the lives of persons important to local, California, or national history;
3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

A property may be automatically listed in the CRHR if it is formally determined eligible for the National Register of Historic Places. Properties that are formally determined eligible for the NRHP are those that are designated as such through one of the federal preservation programs administered by the California Office of Historic Preservation (i.e., the National Register, Tax Certification, and Section 106 review of federal undertakings). The CRHR interprets the integrity of a cultural resource based upon its physical authenticity. An historic cultural resource must retain its historic character or appearance and thus be recognizable as an historic resource. Integrity is evaluated by examining the subject's location, design, setting, materials, workmanship, feeling, and association. If the subject has retained these qualities, it may be said to have integrity. It is possible that a cultural resource may not retain sufficient integrity to be listed in the National Register of Historic Places yet still be eligible for listing in the CRHR. If a cultural resource retains the potential to convey significant historical/scientific data, it may be said to retain sufficient integrity for potential listing in the CRHR.

The structure at 746 The Alameda is not currently listed on the CRHR, and does not appear to qualify for inclusion in this register at the present time. The structure is not associated with events or persons of historic significance, and thus does not appear to qualify as potentially eligible under criteria 1 or 2. Although possessing a modernist façade, the structure is not a significant example of any architectural style, and does not appear to be potentially eligible for listing under criterion 3. It does not appear to have the potential to yield information important to history, and thus does not appear to be potentially eligible for listing under criterion 4.

National Register Criteria

The National Register of Historic Places was first established in 1966, with major revisions in 1976. The register is set forth in 36 CFR 60 which establishes the responsibilities of the State Historic Preservation Officers (SHPO), standards for their staffs and review boards, and describes the statewide survey and planning process for historic preservation. Within this regulation guidelines are set forth concerning the National Register of Historic Places (36 CFR 60.6). In addition, further regulations are found in 36 CFR 63-66, 800, and Bulletin 15 which define procedures for determination of eligibility, identification of historic properties, recovery, reporting, and protection procedures. The National Register of Historic Places was established to recognize resources associated with the accomplishments of all peoples who have contributed to the country's history and heritage. Guidelines were designed for Federal and State agencies in nominating cultural resources to the National Register. These guidelines are based upon integrity and significance of the resource. Integrity applies to specific items such as location, design, setting, materials, workmanship, feeling, and association. Quality of significance in American history, architecture, archaeology, engineering and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet at least one of the following criteria:

A. that are associated with events that have made a significant contribution to broad patterns of our history:
B. that are associated with the lives of persons significant in our past;
C. that embody distinctive characteristics of type, period, or method of construction, or that represent the work of master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
D. that have yielded, or are likely to yield, information important in prehistory or history.

Integrity is defined in Bulletin 15: How to Apply the National Register Criteria for Evaluation, (U.S. Department of the Interior, National Park Service 1982) as:

> the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period. If a property retains the physical characteristics it possessed in the past then it has the capacity to convey association with historical patterns or persons, architectural or engineering design and technology, or information about a culture or peoples.

There are also seven aspects of integrity which are used. These aspects are:

1. location
2. design
3. setting
4. materials
5. workmanship
6. feeling
7. association

The structure at 746 the Alameda is not currently listed on the National Register of Historic Places. In addition, the property does not appear to be potentially eligible for listing in this register. The site is not associated with significant historic events or persons, thus it does not appear to be potentially eligible for listing under criteria A or B. Although the structure features a modernist façade, overall it does not appear architecturally significant. Thus the structure does not appear to qualify as eligible for the NRHP under criterion C. The property does not appear to be likely to yield information important in prehistory or history, thus it does not appear to qualify as potentially eligible under criterion D.

San Jose Historic Resources Inventory Criteria

The City of San Jose's Historic Preservation Ordinance defines structures of historical value based on any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state, or national history, heritage, or culture in a distinctive, significant, or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist, or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant, or important work or vestige whose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture, or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists.

The City of San Jose Historic Resource inventory Hierarchy of Significance

Evaluation Tally Sheet Total	Category of Significance
67-134	Candidate City Landmark
33-66	Structure of merit
33-66	Contributing Structure
0-32	Non-Contributing Structure
0-32	Non-Significant Structure

The structure at 746 The Alameda is not currently listed on the San Jose Historic Resource Inventory, and does not appear to be potentially eligible for listing in this register. The structure is not associated with persons or events significant to local, regional, or national history. Although possessing a modernist front façade, the structure as a whole does not appear to be architecturally significant. The property received a score of 29.5 points on the City of San Jose Historic Evaluation Form, identifying it as a non-significant structure.

Continued from B12:

Appraiser's Office, County of Santa Clara
2008 Record search of appraisers documents and construction permits for 746 The Alameda Boulevard

Assessor's Office, County of Santa Clara
2006 Record search of assessed value and associated taxes for the property at 746 The Alameda Boulevard

Hoover, M. et al
1966 *Historic Spots in California.* Stanford University Press, Stanford California.

McAlester, V. and L. McAlester
1997 *A Field Guide to American Houses*. Alfred A. Knopf, New York.

Polk Directories of the City of San Jose
1925- Record search of City Directories on file at the California Room, Dr.
1979 Martin Luther King, Jr. Main Library, San Jose Public Library, San Jose, California.

Recorder's Office, County of Santa Clara
2006 Record search of recorded information for the property 746 The Alameda Boulevard.

San Jose Mercury News
1981 *Rites Held for Retired Contract.* Obituary for Mr. Henry Eitzert in the San Jose Mercury News, April 22, 1981.

Thompson & West
1876 *Historical Atlas of Santa-Clara County, California*. Thompson & West, San Francisco.

US Department of the Interior
1990 The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

US Department of the Interior
1982 Bulletin 15 - "How to Apply the National Register Criteria for Evaluation."

Photo 1: Oblique view of the modernist front façade.

Photo 2: Oblique view of the modernist front façade from the east.

Photo 3: Direct view of the front façade from the north.

Photo 4: View of the eastern façade along alleyway.

Photo 5: View of the rear façade of the structure.

Photo 6: View of the western façade and vehicular access.

Photo 7: View of interior of the front room.

Photo 8: View of the main room in the interior of the structure.

Photo 9: Historic photo of original 1880's structure at 746 The Alameda, taken from appraiser's records.

746 The Alameda Evaluation Form

A. VISUAL QUALITY/DESIGN

1. EXTERIOR
   Quality of form, composition, detailing, and ornament in part of originality, artistic merit, craftsmanship, sensitivity to surroundings and overall visual quality.
   G - good

2. STYLE
   Significance as an example of a particular architectural style, type, or convention.
   G – Good example (front façade only)

3. DESIGNER
   a. Designed or built by an architect, engineer, builder, artist, or other designer who has made significant contribution to the community, state, or nation.
   FP - Designer unknown

OR

   b. Significance as an example of vernacular architecture.

4. CONSTRUCTION
   Significance as example of a particular structural material, surface material, or method of construction.
   FP - Of no particular interest

5. SUPPORTIVE ELEMENTS
   Fences, walls, out-buildings, trees, landscaping, and other secondary elements which are accessory to the feature being evaluated and are supportive of, or enhance the features notable qualities; also stores, institutions, and other tenants located within buildings.
   FP – No supportive elements

B. HISTORY/ASSOCIATION

6. PERSON/ORGANIZATION
   Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation.
   FP – No known associations with person/organization of importance

7. EVENT
   Associated with an event that has made a significant contribution to the community, state, or nation.

   FP - No known connections with event of importance

8. PATTERNS
   Associated with and effectively illustrative of broad patterns of cultural, social, political economic, or industrial history, or of the development of the City, or of distinct geographic regions, or ethnic groups of particular well-defined era.

   G - Patterns of secondary importance loosely connected

9. AGE
   Of particular age in relationship of the periods of development of buildings in the area.

   FP – Built 1966

C. ENVIRONMENTAL/CONTEXT

10. CONTINUITY
    Contributes to the visual, historic, or other environmental continuity or character of the street area.

    G – Compatible with the character of an area of primary importance

11. SETTING
    Setting and/or landscaping contributes to the continuity or character of the street, neighborhood, or area.

    G - Compatible with the dominant character of the area

12. FAMILIARITY
    Prominence or familiarity within the neighborhood, city, or region.

    FP - Not particularly conspicuous or familiar

D. INTEGRITY

13. CONDITION
    Extent to which the feature has experienced deterioration.

    VG - Exhibits minor surface Wear

14. EXTERIOR ALTERATIONS
    Degree of alteration done to important exterior materials and design features.

    VG – Minor alterations which do not effect the overall character

15. STRUCTURAL REMOVALS
Extent to which wings, stories, roofs, and other important large scale structural components have been removed

E – No major structural removals

16. SITE
Relation of features to its original site and neighborhood.

E - Has not been moved

E. REVERSIBILITY

17. EXTERIOR
Extent to which integrity losses (see Criteria 13-16) can be reversed, and ease or difficulty of making such corrections.

VG – Reversible

F. ADDITIONAL CONSIDERATION/BONUS POINTS

18. INTERIOR VISUAL QUALITY
Design quality of interior arrangement, finish, craftsmanship, and/or detail is/are particularly attractive or unique.

FP - Fair to poor

19. HISTORY/ASSOCIATION OR INTERIOR
Design quality associated with a person, group, organization or institution having used the interior.

FP – No known associations

20. INTERIOR ALTERATIONS
Degree of alterations to important interior materials and design features.

VG – Minor alterations which do not effect the overall character

21. REVERSIBILITY/INTERIOR
Extent to which integrity losses can be reversed, and ease or difficulty of making such corrections.

VG – Reversible

22. NATIONAL REGISTER OF HISTORIC PLACES OR CALIFORNIA REGISTER
Status for listing in either the National Register of Historic Places or the California Register.

FP - Does not appear to be eligible for listing in either the National or California Register.

HISTORIC EVALUATION SHEET

HISTORIC RESOURCE NAME:

A. VISUAL QUALITY/DESIGN

1. EXTERIOR _____ E VG **G** FP
2. STYLE _____ E VG **G** FP
3. DESIGNER _____ E VG G **FP**
4. CONSTRUCTION _____ E VG G **FP**
5. SUPPORTIVE ELEMENTS _____ E VG G **FP**

B. HISTORY/ASSOCIATION

6. PERSON/ORGANIZATION _____ E VG G **FP**
7. EVENT _____ E VG G **FP**
8. PATTERNS _____ E VG **G** FP
9. AGE _____ E VG G **FP**

C. ENVIRONMENTAL/CONTEXT

10. CONTINUITY _____ E VG **G** FP
11. SETTING _____ E VG **G** FP
12. FAMILIARITY _____ E VG G **FP**

D. INTEGRITY

13. CONDITION _____ E **VG** G FP
14. EXTERIOR ALTERATIONS _____ E **VG** G FP
15. STRUCTURAL REMOVALS _____ **E** VG G FP
16. SITE _____ **E** VG G FP

E. REVERSIBILITY

17. EXTERIOR _____ E **VG** G FP

F. ADDITIONAL CONSIDERATIONS/BONUS POINTS

18. INTERIOR/VISUAL _____ E VG G **FP**
19. INTERIOR/HISTORY _____ E VG G **FP**
20. INTERIOR ALTERATIONS _____ E **VG** G FP
21. REVERSIBILITY/INTERIOR _____ E **VG** G FP
22. NATIONAL REGISTER OF HISTORIC PLACES OR CALIFORNIA REGISTER _____ E VG G **FP**

REVIEWED BY: Robert Cartier DATE: July 21, 2008

EVALUATION TALLY SHEET

PART I

		VALUE				
A.	VISUAL QUALITY/DESIGN	E	VG	G	FP	
	1. EXTERIOR	16	12	**6**	0	6
	2. STYLE	10	8	**4**	0	4
	3. DESIGNER	6	4	2	**0**	0
	4. CONSTRUCTION	10	8	4	**0**	0
	5. SUPPORTIVE ELEMENTS	8	6	3	**0**	0
				SUBTOTAL:		10
B.	HISTORY/ASSOCIATION	E	VG	G	FP	
	6. PERSON/ORGANIZATION	20	15	7	**0**	0
	7. EVENT	20	15	7	**0**	0
	8. PATTERNS	12	9	**5**	0	5
	9. AGE	8	6	3	**0**	0
				SUBTOTAL:		5
C.	ENVIRONMENTAL/CONTEXT	E	VG	G	FP	
	10. CONTINUITY	8	6	**3**	0	3
	11. SETTING	6	4	**2**	0	2
	12. FAMILIARITY	10	8	4	**0**	0
				SUBTOTAL:		5

"A" & "C" SUBTOTAL: 15

"B" SUBTOTAL: 5

PRELIMINARY TOTAL: 20

(Sum of A, B, and C)

EVALUATION TALLY SHEET
Part II

VALUE

D.	INTEGRITY	E	VG	G	FP	
	13. CONDITION	--	**.03**	.05	.10	. 03 x 20 = 0.6 * from A, B, C Subtotals
	14. EXTERIOR ALTERATIONS	--	**.05**	.10	.20	. 05 x 15 = 0.75 * from A and C Subtotals
		--	**.03**	.05	.10	. 03 x 5 = 0.15 * from B Subtotal
	15. STRUCTURAL REMOVALS	--	.20	.30	.40	. * x 15 = 0.0 * from A and C Subtotals
		--	.10	.20	.40	. * x 5 = 0.0 * from B Subtotal
	16. SITE	--	.10	.20	.40	. * x 5 = 0.0 * from B Subtotal

INTEGRITY DEDUCTIONS SUBTOTAL: 1.5

ADJUSTED SUBTOTAL: 20 - 1.5 = 18.5
(Preliminary Total minus Integrity Deductions)

VALUE

E.	REVERSIBILITY	E	VG	G	FP	
	17. EXTERIOR	3	**3**	2	2	3
				TOTAL:		3

F.	ADDITIONAL CONSIDERATIONS/ BONUS POINTS	E	VG	G	FP	
	18. INTERIOR VISUAL QUALITY	3	3	1	**0**	0
	19. HISTORY/ASSOCIATION OF INTERIOR	3	3	1	**0**	0
	20. INTERIOR ALTERATIONS	4	**4**	2	0	4
	21. REVERSIBILITY/INTERIOR	4	**4**	2	0	4
	22. NRHP OR CRHR	20	15	10	**0**	0

BONUS POINTS SUBTOTAL: 11

ADJUSTED TOTAL (Plus Bonus Points): 29.5

Appendix

December 9, 2004

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

746-748 The Alameda
San Jose, California 95126

Project No. 9972

Prepared For

CFC Commercial Finance
500 E. Calaveras Boulevard, Suite 329
Milpitas, CA 95035

Prepared By

AEI Consultants
2500 Camino Diablo
Walnut Creek, CA
(925) 283-6000

AEI

EXECUTIVE SUMMARY

AEI Consultants (AEI) was retained by CFC Commercial Finance to conduct a Phase I Environmental Site Assessment (ESA), in conformance with the scope and limitations of ASTM Practice E1527, for the property located at 746-748 The Alameda in the City of San Jose, Santa Clara County, California. Any exceptions to, or deletions from, this practice are described in Section 1.2 of this report.

Property Description

The subject property is located on the south side of The Alameda in a mixed commercial and residential area of San Jose. The property totals approximately 0.24 acre and is improved with a single-story building totaling approximately 9,800 square feet. The building is currently used as an off-site shop and warehouse for the Tech Museum. The building was constructed in approximately 1965. According to historical sources, the property was formerly developed with a two-story commercial building in the northern section of the property, and several smaller single-story storage or shop buildings, a garage, and a residential dwelling in the southern section of the property. The previous buildings were occupied by a used furniture store in 1950, and unknown business/businesses since at least 1915.

Findings

Recognized environmental conditions (RECs) are defined by the ASTM Standard as the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property. AEI's investigation has revealed the following recognized environmental conditions associated with the subject property or nearby properties:

- No on-site recognized environmental conditions were identified during the course of this investigation.

Historical recognized environmental conditions are defined by the ASTM Standard as an environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently. AEI's investigation has revealed the following historical recognized environmental conditions associated with the subject property or nearby properties:

- No on-site historical recognized environmental conditions were identified during the course of this investigation.

Environmental issues include environmental concerns identified by AEI that warrant discussion but do not qualify as recognized environmental conditions, as defined by the ASTM Standard. AEI's investigation has revealed the following environmental issues associated with the subject property or nearby properties:

- Remnants of two belowground hydraulic lifts/hoists were observed during the site reconnaissance. One lift is located in the northern shop area of the warehouse, and one lift is located in the southern garage area of the warehouse. The aboveground portions of both lifts have been removed; however, it was not clear whether the belowground portion of the lifts had been properly decommissioned, and records concerning the details of the removals were not available. According to the results of a ground penetrating radar (GPR) survey performed on November 30, 2004, belowground remnants of the former lifts were detected in both of the areas in question. Below the northernmost lift area, an object approximately 3 feet by 3 feet resembling a former hoist lifting base with a cylindrical piston was detected. Below the southernmost lift area, features resembling a fill plug for a hydraulic vessel and a remnant of a hoist platform and cylinder were detected. It is possible that the presence of the lifts and associated features has resulted in a limited impact to soil beneath the vicinity of the former lifts. However, based on the small quantity of hydraulic fluid used in connection with the operations of this equipment, the presence of this equipment is not expected to represent a significant environmental concern. Soil sampling may be required by local agencies if the remnants of the hydraulic lifts are planned to be removed in the future.

- According to historical sources, the subject property was formerly occupied by an automotive maintenance business known as Gerard's Tire Service from the mid-1960s until at least 1979, possibly until the mid-1980s. Although oil changes and other automotive services may have been performed onsite, the name of the business suggests that on-site operations were limited to tire replacement activities only. The lack of any records concerning the on-site use and/or handling practices of hazardous materials on file with any of the pertinent regulatory agencies or databases seems to support this. All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse.

- Miscellaneous hazardous materials are used in association with shop operations performed onsite. With the exception of minor staining observed throughout the warehouse floor, presumably originating from spray painting activities, no evidence of the mismanagement of these materials was observed during the site reconnaissance. All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse. The use of these materials onsite is not expected to represent a significant environmental concern.

- According to the regulatory database, a release of solvents occurred at the former Del Monte processing and packaging plant, located adjacent to the south of the subject property. The release was reportedly confined to soil only. Additional details, such as the date and extent of the release, were not provided by the database. The regulatory database lists the RWQCB as the lead agency; however, the RWQCB maintains that no records are on file for this site. No records concerning the release of solvents at this site are on file on the SCVWD.

Because of the apparent lack of current regulatory engagement associated with this release, it appears that this event was given low priority. Although any significant releases at this site have the potential to impact the subject property (based on the assumed groundwater flow direction), the release was apparently confined to soil only, and the former tank areas at this site are presumably located south of Building #1. Furthermore, assessment of the subject property does not indicate that the subject property would be investigated as a source of this contamination, and it is unlikely that the subject property owner would be responsible for any clean up costs associated with the release at this site. Based on this information, no further action or investigation appears to be warranted at this time.

- Due to the age of the subject property building, there is a potential that asbestos-containing materials (ACMs) and/or lead-based paint are present. With the exception of the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building, all suspect ACMs and painted surfaces were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. It is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property.

Conclusions, Opinions, and Recommendations

AEI's investigation has revealed no other evidence of recognized environmental conditions associated with the subject property or nearby properties. AEI recommends no further investigations for the subject property at this time. However, it is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property. Additionally, soil sampling may be required by local agencies if the remnants of the hydraulic lifts are planned to be removed in the future.

TABLE OF CONTENTS

1.0 INTRODUCTION

This report documents the methods and findings of the Phase I Environmental Site Assessment of the property located at 746-748 The Alameda in the City of San Jose, California (Figure 1: Site Location Map, Figure 2: Site Map, and Appendix A: Property Photographs).

1.1 Scope of Work

The purpose of the Phase I Environmental Site Assessment is to identify potential environmental liabilities associated with the presence of hazardous materials, its use, storage, and disposal at and in the vicinity of the subject property, as well as regulatory non-compliance that may have occurred at the subject property. Property assessment activities focused on: 1) a review of federal, state, and local lists which identify and describe underground fuel tank sites, leaking underground fuel tank sites, hazardous waste generation sites, and hazardous waste storage and disposal facility sites within the ASTM approximate minimum search distance; 2) a property and surrounding site reconnaissance with personal interviews to identify environmental contamination; and 3) a review of historical sources to help ascertain previous land use at the site and in the surrounding area.

The goal of AEI Consultants in conducting the environmental site assessment was to identify the presence or likely presence of any hazardous substances or petroleum products on the property that may indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum product into the soil, groundwater, or surface water of the property.

1.2 Limitations

Property conditions, as well as local, state, and federal regulations can change significantly over time. Therefore, the recommendations and conclusions presented as a result of this study apply strictly to the environmental regulations and property conditions existing at the time the study was performed. Available information has been analyzed using currently accepted assessment techniques and it is believed that the inferences made are reasonably representative of the property. AEI Consultants makes no warranty, expressed or implied, except that the services have been performed in accordance with generally accepted environmental property assessment practices applicable at the time and location of the study.

Considerations identified by ASTM as beyond the scope of a Phase I ESA that may affect business environmental risk at a given property include the following: asbestos-containing materials, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, and high voltage lines. These environmental issues or conditions may warrant assessment based on the type of the property transaction; however, they are considered non-scope issues under ASTM Standard E 1527-00.

If requested by the client, these non-scope issues are discussed in Section 5.2. Otherwise, the purpose of this investigation is solely to satisfy one of the requirements to qualify for the innocent landowner defense under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), that is, the practices constitute "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in 42 USC § 9601(35)(B), referenced in the ASTM E 1527-2000 Standard.

The Phase I Environmental Site Assessment is not, and should not be construed as, a warranty or guarantee about the presence or absence of environmental contaminants that may affect the property. Neither is the assessment intended to assure clear title to the property in question. The sole purpose of investigation into property title records is to ascertain a historical basis of prior land use. This investigation was prepared for the sole use and benefit of CFC Commercial Finance. Neither this report, nor any of the information contained herein shall be used or relied upon for any purpose by any person or entity other than CFC Commercial Finance.

1.3 Limiting Conditions

Pursuant to ASTM Standards, historical sources were obtained to document property use back to the property's first developed use or back to 1940, whichever is earlier. Historical data source failure may occur when standard historical sources are not reasonably ascertainable. Based on the quality of historical data obtained for this assessment, AEI does not expect historical data source failure to impact the conclusions or recommendations of this report.

The performance of this Phase I Environmental Site Assessment was limited by the following conditions:

- Groundwater monitoring and/or pollution characterization records for nearby sites of concern, presumably maintained on file at the Department of Toxic Substance Control (DTSC) and the Regional Water Quality Control Board (RWQCB), were not available for review within the time frame provided for this investigation. However, based on the various factors discussed in Section 4.3, these sites are not expected to represent a significant environmental concern.

AEI was granted full and complete access to the subject property.

2.0 SITE AND VICINITY DESCRIPTION

2.1 Site Location and Description

The subject property is located on the south side of The Alameda in a mixed commercial and residential area of San Jose. The property totals approximately 0.24 acre and is improved with a single-story building totaling approximately 9,800 square feet. The building is currently used as an off-site shop and warehouse for the Tech Museum.

The Assessor's Parcel Number (APN) for the subject property is identified as 261-33-039. Heating and cooling systems on the subject property are fueled by natural gas and electricity provided by Pacific Gas & Electric (PG&E)Southern California Edison (SCE). Potable water and sewage disposal are provided by municipal services.

Refer to Figure 1: Site Location Map, Figure 2: Site Map, and Appendix A: Property Photographs for site location.

2.2 Site and Vicinity Characteristics

The subject property is located in a mixed commercial and residential area of San Jose. The immediately surrounding properties consist of a parking lot and a vacant building formerly occupied by various restaurants (735) across The Alameda to the north; the former Del Monte Plant #51 office building (734) to the east; the former Del Monte manufacturing and processing warehouse to the south (50 Bush Street); and a mixed-use four-story building occupied by 7 Restaurant & Lounge on the ground level and residential units on the remaining floors across Bush Street to the west.

The former Del Monte Plant 51 warehouse, located adjacent to the south of the subject property, is identified in the regulatory database as a leaking underground storage tank (LUST) site, and an Emergency Response Notification Site (ERNS). This site is discussed in Section 4.3.

The Philip San Philippo Properties site, located across The Alameda and adjacent to the north of the subject property, is identified in the regulatory database as a LUST site. This site is discussed in Section 4.3.

2.3 Geology and Hydrogeology

Based on a review of the Quaternary Geologic Map of the San Francisco Bay, the area surrounding the subject property is underlain by Holocene era alluvium. This type of alluvium is reportedly composed of light-gray to grayish-brown or yellowish-brown gravel, sand, silt, and clay. Texture varies from cobble-gravel to clay, mixed or interbedded laterally and vertically in places.

The subject property is situated approximately 90 feet above mean sea level, and the local topography slopes north. The nearest surface water is the Los Gatos Creek, located approximately 0.30 mile east of the subject property. According to groundwater monitoring data reviewed for the adjacent site to the south, groundwater beneath the subject property is expected to occur within a range of 15 to 30 feet below ground surface (bgs). Based on regional topography and groundwater monitoring data reviewed for nearby sites of concern, the assumed flow direction of groundwater at the subject property is to the north-northeast.

3.0 HISTORICAL REVIEW OF SITE AND VICINITY

According to historical sources, the current building at the subject property was constructed in approximately 1965, and has been occupied by a variety of businesses since that time, including Gerard's Tire Service throughout the late-1960s and 1970s, and businesses such as the San Jose Fabric Warehouse, A&A Signs, V Tile & Marble, and PRT Corporation throughout the 1990s. Prior to the construction of the current building, the property was formerly developed with a two-story commercial building in the northern section of the property, and several smaller single-story storage or shop buildings, a garage, and a residential dwelling in the southern section of the property. The commercial building was occupied by a used furniture store in 1950, and unknown business/businesses since at least 1915.

According to historical sources, the subject property was formerly occupied by an automotive maintenance business known as Gerard's Tire Service from the mid-1960s until at least 1979, possibly until the mid-1980s. The environmental concerns associated with this former occupant at the subject property are discussed in Section 3.4.

3.1 Aerial Photograph Review

On November 26, 2004, AEI Consultants reviewed aerial photographs of the subject property and surrounding area. Aerial photographs were reviewed for the following years:

Date: 1954
Scale: 1: 9,600

Date: 1960
Scale: 1: 30,000

Date: 1968
Scale: 1: 36,000

Date: 1976
Scale: 1: 12,000

Date: 1986
Scale: 1: 33,600

Date: 1994
Scale: 1: 12,000

Date: 1999
Scale: 1: 12,000

In the 1954 aerial photograph, the northern section of the subject property is developed with a commercial building and the southern section of the property is developed with approximately three buildings (presumably used for shop and/or storage purposes) and another building resembling a residential dwelling. Several vehicles appear to be parked in the lot adjacent to the building. The site to the west is developed with a small office or commercial building and parking lot; a site resembling a car sales lot is located beyond the office/commercial building. The site to the south is developed with a large warehouse/manufacturing facility. The site to the east across Bush Street is developed with a railroad depot/yard containing approximately 5 spurs

which terminate at the south end of The Alameda. In addition to the spurs, the site is developed with two long buildings or canopies adjacent to the tracks, and a small office/commercial building at the far western end. The sites across The Alameda to the north appear to be developed with commercial buildings and a residential dwelling.

In the 1960 aerial photograph, no significant changes were noted.

In the 1968 aerial photograph, the subject property has been developed with its current building. It is not clear whether the site adjacent to the west remains to be used as a railroad depot; although the spurs are still visible at the site adjacent to the west, the tracks appear to have been removed from the sites to the south. No other significant changes were noted.

In the 1976 aerial photograph, the subject property has been developed with its current warehouse building. The site to the west is no longer used as an active depot; however, miscellaneous cargo and materials are stored throughout the site. No other significant changes were noted.

No significant changes were noted in the 1986, 1994, and 1999 aerial photographs.

If available, high-quality copies of reviewed aerial photographs are included in Appendix C: References.

3.2 Local Agencies

Local agencies, such as environmental health departments, fire prevention bureaus, and building departments are contacted to identify any current or previous reports of hazardous materials use, storage, and/or unauthorized releases that may have impacted the subject property.

3.2.1 Health Department

On November 12, 2004, the Santa Clara County Environmental Health Department (SCCEHD) was contacted to review files on the subject property and nearby sites of concern. Files at the SCCEHD may contain information regarding hazardous materials storage, as well as information regarding unauthorized releases of petroleum hydrocarbons or other contaminants that may affect the soil or groundwater in the area.

No information indicating current or previous hazardous materials use or storage on the subject property was on file with the SCCEHD.

3.2.2 Fire Department

On November 22, 2004, the San Jose Fire Department (SJFD) was visited for information on the subject property and/or nearby sites of concern to identify any evidence of previous or current hazardous material usage.

No information indicating any underground storage tanks or any current or historical storage of hazardous materials on the subject property was on file with the SJFD.

3.2.3 Building Department

On November 22, 2004, records on file with the San Jose Building Department (SJBD) were accessed via the municipal records database system available at the SJFD. Building permits and related documents on file for the subject property were reviewed in order to identify historical tenants and property use. Please refer to the following table for a listing of permits reviewed:

Building Permits Reviewed: 746-748 The Alameda

Year(s)	Applicant	Description of Permit / Building Use	Address Referenced
1965	LaCroix & Iwagaki	Building Permit Application One-story mechanical service building	748
1993	LaCroix & Iwagaki	Repair Fire Damage	746
1993	Edward LaCroix	Application for Plumbing and Gas Piping Permit Office	746
1993	E. LaCroix	Alter Ext. Elevation Warehouse; Install windows in garage door bays	746
1994	LaCroix & Iwagaki	Certificate of Occupancy Retail Sale	746
1999	None Listed	Plumbing & Electrical	746

No environmental concerns were noted during the review of documents on file with the SJBD.

3.3 Sanborn Fire Insurance Maps

Sanborn Fire Insurance maps were developed in the late 1800s and early 1900s for use as an assessment tool for fire insurance rates in urbanized areas. A search was made of the University of California, Berkeley Map Room's and the Los Angeles Public Library's online collection of Sanborn Fire Insurance maps on November 22, 2004. Sanborn maps were available and reviewed for the years 1915, 1950.

In the 1891 Sanborn map, features depicted on the map are not clearly legible due to the poor quality of the reproduction of the map. However, it appears that the subject property is developed with a single-story general store in the northern section. It appears that the southern section is also developed with various structures, but no other details could be determined.

In the 1915 Sanborn map, the subject property is developed with a two-story commercial

building (698 The Alameda). The occupant of the building is not identified on the map. The southern section of the property is developed with three or four small buildings presumably used for storage purposes (18 Bush Street), a small one or two car garage, and a single-story residential dwelling (20 Bush Street). Surrounding sites consist of a residential dwelling to the east, and vacant land to the south and west. Coverage for the sites across The Alameda to the north was not available.

In the 1950 Sanborn map, the subject property appears to be developed with the same building depicted in the 1915 Sanborn map, and is occupied by a used furniture store. An addition has been constructed to the southern end of the main building, and is used for storage and furniture repair. The southern section of the property is developed with three or four other buildings (presumably used for storage purposes), a small one or two car garage, and a single-story residential dwelling. Surrounding sites consist of the California Packing Corporation office to the east, the California Packing Corporation plant to the south; and the Western Pacific Railroad Freight Depot across Bush Street to the west. Coverage for the sites across The Alameda to the north was not available.

3.4 City Directories

A search of historic city directories was conducted for the subject property at the Dr. Martin Luther King Jr. Memorial/ San Jose State University Public Library on November 22, 2004. The following table summarizes the results of the city directory search.

City Directory Search Results: 746-748 The Alameda

Year(s)	**Occupant Listed** ***746 The Alameda***	**Occupant Listed** ***748 The Alameda***
1956	Address Not Listed	**Donovan May Antiques**
1964	Address Not Listed	Vacant
1965	Address Not Listed	Vacant
1968	Address Not Listed	**Gerard Tire Service**
1973	Address Not Listed	**Gerard Tire Service**
1979	Address Not Listed	**Gerard Tire Service**
1987	Address Not Listed	No return
1990-91	Address Not Listed	No return
1992	**A&A Signs** **San Jose Fabric Warehouse** **V Tile & Marble**	No return
1995	**PRT Corporation**	No return

Year(s)	Occupant Listed *746 The Alameda*	Occupant Listed *748 The Alameda*
	San Jose Fabric Warehouse	
1998	**San Jose Fabric Warehouse**	No return
2002-2003	Address Not Listed	Address Not Listed

According to historical sources, the subject property was formerly occupied by an automotive maintenance business known as Gerard's Tire Service from the mid-1960s until at least 1979, possibly until the mid-1980s. Although oil changes and other automotive services may have been performed onsite, the name of the business suggests that on-site operations were limited to tire replacement activities only. The lack of any records concerning the on-site use and/or handling practices of hazardous materials on file with any of the pertinent regulatory agencies or databases seems to support this. All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse.

Remnants of two belowground hydraulic lifts/hoists were observed during the site reconnaissance. One lift is located in the northern shop area of the warehouse, and one lift is located in the southern garage area of the warehouse. The aboveground portions of both lifts have been removed; however, it was not clear whether the belowground portion of the lifts had been properly decommissioned, and records concerning the details of the removals were not available. According to the results of a ground penetrating radar (GPR) survey performed on November 30, 2004, belowground remnants of the former lifts were detected in both of the areas in question. Below the northernmost lift area, an object approximately 3 feet by 3 feet resembling a former hoist lifting base with a cylindrical piston was detected. Below the southernmost lift area, features resembling a fill plug for a hydraulic vessel and a remnant of a hoist platform and cylinder were detected. It is possible that the presence of the lifts and associated features has resulted in a limited impact to soil beneath the vicinity of the former lifts. However, based on the small quantity of hydraulic fluid used in connection with the operations of this equipment, the presence of this equipment is not expected to represent a significant environmental concern. Soil sampling may be required by local agencies if the remnants of the hydraulic lifts are planned to be removed in the future. A copy of the GPR report is included in Appendix C: References.

3.5 Client-Provided Information and Interviews

The client did not report to AEI any environmental liens encumbering the subject property or report any information to AEI regarding previous uses or ownership of the subject property that indicated recognized environmental conditions in connection with the subject property. The client did not provide any title records or previous environmental reports to AEI for review.

The property owner or key site manager was not aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the subject property; any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the subject property; or any notices from a governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

Information obtained during interviews with local government officials is incorporated into the appropriate segments of this section.

4.0 REVIEW OF REGULATORY AGENCY RECORDS

The following information was obtained through a search of electronically compiled federal, state, county, and city databases provided by Track Info Services Environmental FirstSearch. The database search includes regulatory agency lists of known or potential hazardous waste sites, landfills, hazardous waste generators, and disposal facilities in addition to sites under investigation. The information provided in this report was obtained from publicly available sources. The locations of the sites listed in this report are plotted with a geographic information system utilizing geocoding of site addresses. The accuracy of these locations is generally +/- 300 feet. AEI's field representative has attempted to confirm the locations of listings on or adjacent to the subject property. Refer to the radius map (Appendix B: Regulatory Database Review Report) for a location of the sites in relation to the subject property.

4.1 Records Summary

DATABASE REVIEWED	SUBJECT PROPERTY	ADJACENT PROPERTY
Identification as National Priorities List (NPL) "Superfund" site	No	No
Identification as RCRA CORRACTS site	No	No
Identification as State (CalSites SPL/SCL) site	No	No
Identification as CERCLIS and/or CERCLIS/NFRAP site	No	No
Reported as leaking underground storage tanks (LUST) site	No	**Yes**
Identification as solid waste landfill (SWLF)	No	No
Registered underground/aboveground storage tanks (UST/AST)	No	No
Identification as an Emergency Response Notification Systems (ERNS) site	No	**Yes**
Identification as hazardous waste handler and/or generator (RCRA-TSD, LG-GEN and/or SM-GEN)	No	No
Identification as SPILLS Site	No	No

The subject property was not identified during the regulatory database search. The former Del Monte Plant 51 warehouse, located adjacent to the south of the subject property, is identified in the regulatory database as a leaking underground storage tank (LUST) site, and an Emergency Response Notification Site (ERNS). The Philip San Philippo Properties site, located across The Alameda and adjacent to the north of the subject property, is identified in the regulatory database as a LUST site. Both sites are discussed in Section 4.3.

4.2 Contaminant Migration

Migration of petroleum hydrocarbon or volatile organic compound (VOC) contamination is generally via groundwater. Therefore, only those contaminant release sites located hydrologically upgradient relative to the subject property are expected to represent a potential environmental concern to the subject property. Contaminated sites located hydrologically downgradient of the subject property are not expected to represent a potential threat to the groundwater quality beneath the subject property. Sites that are situated hydrologically cross-gradient relative to the subject property are not expected to represent a concern unless close proximity allows for the potential of lateral migration. As discussed in Section 2.3, groundwater in the vicinity of the subject property is assumed to flow to the north-northeast.

4.3 Record Details

National Priorities List (NPL) is EPA's national listing of contaminated sites targeted for cleanup because they pose a threat to human health and the environment. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) authorizes and requires the EPA to investigate, categorize, and enforce the cleanup of hazardous waste sites on the NPL. An NPL site on or near a particular property may threaten the environmental integrity of the property or affect its marketability.

No sites within a 1-mile radius of the subject property were identified during the NPL database search.

CORRACTS is an EPA-maintained database of Resource Conservation and Recovery Act (RCRA) facilities undergoing "corrective action". A "corrective action order" is issued when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may be required beyond the facility's boundary and can be required regardless of when the release occurred, even if it predates RCRA.

No sites within a 1-mile radius of the subject property were identified during the CORRACTS database search.

California Sites (CalSites) are provided by the California Environmental Protection Agency, Department of Toxic Substances Control and include state equivalent NPL (SPL) and CERCLIS (SCL) sites.

Seven sites within a 1-mile radius of the subject property were identified during the CalSites database search.

- The San Jose Sports Arena site at 525 West Santa Clara Street, is mapped approximately 0.14 mile northeast of the subject property. This site is presumably affiliated with the PG&E San Jose #1 site discussed below. According to the regulatory database, the site was formerly occupied by a PG&E coal gasification plant, various automotive repair sites, and

was equipped with such features as underground storage tanks (USTs) and oil-water separators. In 1987, soils samples collected throughout the site contained concentrations of up to 3,000 ppm polycyclic aromatic hydrocarbons (PAHs) and up to 9,000 ppm Total Petroleum Hydrocarbons as gasoline (TPHg). No mention of volatile organic compounds (VOCs), metals, or other contaminants was indicated in the database. Impacted soils were disposed of, or remediated and reincorporated to the site as clean/engineered fill material during the redevelopment of the site. According to the database, files at the Regional Water Quality Control Board (RWQCB) list the site as closed since June 1997; however, according to the RWQCB contact, no records for this site are on file with the RWQCB. However, based on the presumed direction of groundwater flow, this site is not expected to represent a significant environmental concern.

- The San Jose Plating Works site at 572 West Santa Clara Street, is mapped approximately 0.18 mile northeast of the subject property. No details were provided by the regulatory database, and records at the Department of Toxic Substance Control (DTSC) were not available for review within the time frame provided for this investigation. However, based on the presumed direction of groundwater flow, this site is not expected to represent a significant environmental concern.

- The PG&E – San Jose #1 site at West St. John and Montgomery Street, is mapped approximately 0.22 mile northeast of the subject property. According to the regulatory database, contaminant concentrations detected onsite included up to 180 ppm polynuclear aromatic hydrocarbons (PNAs), 160-1,400 ppm lead, 14-29 ppm arsenic, 0.10-2.5 ppm mercury, and less than 1.0 ppm cyanide. Records at the Department of Toxic Substance Control (DTSC) were not available for review within the time frame provided for this investigation. However, based on the presumed direction of groundwater flow, this site is not expected to represent a significant environmental concern.

Based on the relative distance from the subject property, direction of groundwater flow, and/or current regulatory status, the remaining sites are not expected to represent a significant environmental concern.

CERCLIS and CERCLIS/NFRAP are lists of sites that the EPA has investigated or is presently investigating for release or threatened release of hazardous substances, which may be subject to review in accordance with the terms and conditions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, also known as Superfund). Sites listed on the "No Further Remedial Action Planned" (NFRAP) database are sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or the contamination was not serious enough to require federal Superfund or NPL consideration.

One site within a ½-mile radius of the subject property was identified during the CERCLIS/NFRAP database search. Based on the relative distance from the subject property,

direction of groundwater flow, and/or current regulatory status, this site is not expected to represent a significant environmental concern

Leaking Underground Storage Tanks (LUST) List is a list produced by the Regional Water Quality Control Board (RWQCB) of known sites with current or former leaking underground storage tanks on the premises.

Eighty-seven sites within a ½-mile radius of the subject property were identified during the LUST database search.

- The former Del Monte Plant 51 warehouse at 50 Bush Street, located adjacent to the south of the subject property, is identified in the regulatory database as a leaking underground storage tank (LUST) site. According to the case closure summary letter, issued in September 1995, one 10,000-gallon underground storage tank (UST) and one 15,000-gallon UST used for the storage of bunker fuel oil were removed from the site 1988. Up to 50,000 parts per million (ppm) Total Oil & Grease (TOG) and 5,385 ppm Total Petroleum Hydrocarbons as diesel (TPHd) were detected in soil samples collected from the side wall of the excavation pit(s), located south of Building #1. Moderate levels of TOG and TPHd were also detected in groundwater beneath the excavation pit. No other significant contaminant concentrations were documented. Soil samples collected below 7, 12, and 17 feet below ground surface (bgs) from the same area did not contain TPHd or TOG. Groundwater at the site reported flows (or flowed) toward the northeast. Based on the apparently limited and contained extent of soil contamination, and since groundwater contaminant levels had rarely exceeded closure objectives as set forth by the Santa Clara Valley Water District (SCVWD), the site was granted case closure in September 1995. Based on the current regulatory status, this LUST listing is not expected to represent a significant environmental concern.

  According to the regulatory database, a release of solvents also occurred at this site. The release was reportedly confined to soil only. Additional details, such as the date and extent of the release, were not provided by the database. The regulatory database lists the RWQCB as the lead agency; however, the RWQCB maintains that no records are on file for this site. No records concerning the release of solvents at this site are on file on the SCVWD. Because of the apparent lack of current regulatory engagement associated with this release, it appears that this event was given low priority. Although any significant releases at this site have the potential to impact the subject property (based on the assumed groundwater flow direction), the release was apparently confined to soil only, and the former tank areas at this site are presumably located south of Building #1. Furthermore, assessment of the subject property does not indicate that the subject property would be investigated as a source of this contamination, and it is unlikely that the subject property owner would be responsible for any clean up costs associated with the release at this site. There does not appear to be an immediate health risk to the occupants of the subject property since the subject property is serviced by public water and sewer systems. Based on this information, no further action or investigation appears to be warranted at this time.

- The Philip San Philippo Properties site at 735 The Alameda is located across The Alameda and adjacent to the north of the subject property. According to the regulatory database, a release of diesel fuel was discovered onsite during tank closure activities in July 1997. A local aquifer was reportedly affected. However, a letter of case closure was issued by the local agency in September 1997. Based on the current regulatory status, and the direction of groundwater flow, this site is not expected to represent a significant environmental concern.

- The San Jose Arena Follosco Parcel site at 575 West Santa Clara Street is located approximately 320 feet to the northeast of the subject property. According to the regulatory database, a release of mineral spirits was discovered onsite during tank closure activities in March 1989. The release was reportedly confined to soil only. A letter of case closure was issued by the local agency in April 1997. Based on the current regulatory status, and the direction of groundwater flow, this site is not expected to represent a significant environmental concern.

- The San Jose Unified School District site at 250 Stockton Avenue is located approximately 630 feet to the northwest of the subject property. According to the regulatory database, a release of mineral spirits was discovered onsite. A letter of case closure was issued by the local agency in December 1998. Based on the current regulatory status, and the direction of groundwater flow, this site is not expected to represent a significant environmental concern.

Based on the relative distance from the subject property, direction of groundwater flow, and/or current regulatory status, the remaining sites are not expected to represent a significant environmental concern.

Solid Waste Landfills (SWLF) is a database generated by the State of California Solid Waste Information System (SWIS), which includes active and inactive landfills and transfer stations within the state maintained by the California Integrated Waste Management Board.

No sites within a ½-mile radius of the subject property were identified during the SWLF database search.

Underground/Aboveground Storage Tanks (UST/AST) List is a comprehensive listing of registered underground and aboveground storage tanks located within the State of California.

One site within a ¼-mile radius of the subject property was identified during the UST/AST database search. Due to the lack of a documented release or factors discussed in the LUST segment of Section 4.3, the storage of hazardous materials within registered tanks is not a significant environmental concern.

Emergency Response Notification Systems (ERNS) List is EPA's database of emergency response actions.

Two sites within a 1/8-mile radius of the subject property were identified during the ERNS database search.

- The former Del Monte Plant 51 warehouse at 50 Bush Street, located adjacent to the south of the subject property, is identified in the regulatory database as an ERNS site. According to the regulatory database, 150 pound of sulfur dioxide was released onsite in August 1991 due to a valve leak. No cleanup was required, and groundwater was not impacted. Based on the lack of impact to groundwater, this release is not expected to represent a significant environmental concern.

- An ERNS site at 145 Stockton Avenue, located approximately 370 feet northwest of the subject property, is identified in the regulatory database. No details were provided for this listing. Based on the relative distance from the subject property, and the presumed direction of groundwater flow, this site is not expected to represent a significant environmental concern.

Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. Information from the RCRA database is divided into three categories: TSD, LG GEN and SM GEN. The TSD category is searched to a 1-mile radius and tracks facilities which treat, store and/or dispose of hazardous waste. LG GEN, or large generators, are facilities that generate more than 1000 kg of hazardous waste per month. SM GEN, or small generators, are facilities that generate between 100 and 1000 kg of hazardous waste per month. The LG-GEN and SM-GEN databases are searched up to a 1/8-mile radius from the subject property.

No sites within a 1-mile radius of the subject property were identified during the RCRA-TSD database search.

Six sites within a 1/8-mile radius of the subject property were identified during the RCRA (LG- and SM-GEN) database search.

The storage, treatment, disposal and/or generation of hazardous materials at these sites is not a significant environmental concern based on the lack of a documented release or factors discussed in prior segments of Section 4.3.

SPILLs sites are provided by the Regional Water Quality Control Board (RWQCB). This list includes sites that have recorded spills, leaks, investigations, and cleanups.

No sites within a 1/8-mile radius of the subject property were identified during the SPILLS database search.

5.0 SITE INSPECTION AND RECONNAISSANCE

On November 22, 2004, a site reconnaissance of the subject property and adjacent properties was conducted by Matthew Bernard of AEI in order to obtain information indicating the likelihood of recognized environmental conditions at the subject property and adjacent properties as specified in ASTM E1527 §8.4.2, 8.4.3 and 8.4.4.

5.1 On-Site Observations

Identified		Observation
Yes	**No**	
☒	☐	Hazardous Substances and/or Petroleum Products in Connection with Property Use
☐	☒	Aboveground & Underground Hazardous Substance or Petroleum Product Storage Tanks (ASTs / USTs)
☐	☒	Hazardous Substance and Petroleum Product Containers and Unidentified Containers not in Connection with Property Use
☐	☒	Unidentified Substance Containers
☐	☒	Electrical or Mechanical Equipment With the Potential to Contain PCBs
☒	☐	Interior Stains or Corrosion
☐	☒	Strong, Pungent or Noxious Odors
☐	☒	Pool of Liquid
☒	☐	Drains and Sumps
☐	☒	Pits, Ponds and Lagoons
☐	☒	Stained Soil or Pavement
☐	☒	Stressed Vegetation
☐	☒	Solid Waste Disposal or Evidence of Fill Materials
☐	☒	Waste Water Discharges
☐	☒	Wells
☐	☒	Septic Systems
☐	☒	Other

The subject property building is currently used as a shop and warehouse area for the Tech Museum. On-site operations consist of miscellaneous shop operations. The on-site use and handling practices of hazardous materials are discussed below.

Hazardous Substances and/or Petroleum Products in Connection with Property Use

Various hazardous materials are used in association with shop operations performed onsite.

Machine Shop: Small quantities (1 quart to 1 gallon or less) of miscellaneous shop and maintenance materials such as cutting oils, lube oils, primers/sealers, etc. are stored throughout the machine shop area, located in the northern section of the building.

Flammable Cabinet: Two 5-gallon metal cans containing used paint thinner (only partially full), approximately 7 one-quart cans of lacquer or paint thinners, and small quantities of acetone (one quart or less) are stored inside the flammable cabinet, located in the northern section of the building. According to a site representative, paint thinners and acetone are used in very small quantities onsite, and the shop has never replaced or bought new solvent based materials since the Tech Museum shop has occupied the property.

Paint Shelf: Up to 25 to 30 one-quart cans of miscellaneous paints/paint-related materials are stored on two metallic shelves near a roll-up door along the western wall of the warehouse, located in the northwestern section of the building.

With the exception of minor staining observed throughout the warehouse floor (presumably originating from spray painting activities), no evidence of the mismanagement of these materials was observed during the site reconnaissance. No floor drains, clarifiers, and/or oil-water separators were observed inside the warehouse. The use of these materials onsite is not expected to represent a significant environmental concern.

Interior Stains or Corrosion

Minor surface staining was observed throughout the warehouse floor. The staining presumably originated from spray painting activities. The entire surface inside the warehouse is paved, and no floor drains were observed inside the warehouse. The presence of the staining is not expected to represent a significant environmental concern.

Drains and Sumps

Several storm drains were observed in the street and/or parking areas of the subject property. No hazardous substances or petroleum products were noted in the vicinity of the drains. Based on the use of the drains solely for storm water runoff, the presence of the drains is not expected to represent a significant environmental concern.

Other

Remnants of two belowground hydraulic lifts/hoists were observed during the site reconnaissance. One lift is located in the northern shop area of the warehouse, and one lift is located in the southern garage area of the warehouse. The aboveground portions of both lifts have been removed; however, it was not clear whether the belowground portion of the lifts had been properly decommissioned, and records concerning the details of the removals were not available. According to the results of a ground penetrating radar (GPR) survey performed on November 30, 2004, belowground remnants of the former lifts were detected in both of the areas in question. Below the northernmost lift area, an object approximately 3 feet by 3 feet resembling a former hoist lifting base with a cylindrical piston was detected. Below the southernmost lift area, features resembling a fill plug for a hydraulic vessel and a remnant of a hoist platform and cylinder were detected. It is possible that the presence of the lifts and associated features has resulted in a limited impact to soil beneath the vicinity of the former lifts.

However, based on the small quantity of hydraulic fluid used in connection with the operations of this equipment, the presence of this equipment is not expected to represent a significant environmental concern. Soil sampling may be required by local agencies if the hydraulic lifts are planned to be removed in the future.

5.2 Non-ASTM Services

Asbestos-Containing Building Materials

For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as "presumed asbestos-containing material" (PACM) unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act.

Due to the age of the subject property building, there is a potential that ACMs are present. The condition and friability of the identified suspect ACMs is noted in the following table:

Suspect Asbestos Containing Materials (ACMs)

Material	Location	Friable	Condition
Drywall Systems	Throughout Building	No	Good
Vinyl Flooring	Warehouse/Shop Former Bathroom	No	Good Poor
Roofing Systems	Roof	Not Inspected	Not Inspected

With the exception of the vinyl flooring located in the former bathroom area, located in the southern section of the warehouse, all observed suspect ACMs were in good condition and are not expected to pose a health and safety concern to the occupants of the subject property at this time. It is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property.

Regardless of building construction date, the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) requires that an asbestos survey adhering to AHERA sampling protocol be performed prior to demolition or renovation activities that may disturb ACMs. This requirement is typically enforced by the local air pollution control or air quality management district, and specifies that all suspect asbestos-containing materials (ACMs) be sampled to determine the presence or absence of asbestos prior to any renovation or demolition activities to prevent potential exposure to workers and/or building occupants. Similarly, OSHA regulations require that specific work practices be implemented when handling construction materials and debris that contain lead-containing materials (see below).

Lead-Based Paint

Lead-based paint is any paint, varnish, stain, or other applied coating that has 1 mg/cm^2 (or 5,000 ug/g by dry weight) or more of lead. In Section 1017 of the Housing and Urban Development Guidelines, Residential Lead-Based Paint Hazard Reduction Act of 1992, otherwise known as "Title X", states that a lead-based paint hazard is "any condition that causes exposure to lead that would result in adverse human health effects" resulting from lead-contaminated dust, bare, lead-contaminated soil, and/or lead-contaminated paint that is deteriorated or present on accessible, friction, or impact surfaces. Therefore, under Title X, intact lead-based paint on most walls and ceilings would not be considered a "hazard", although the paint should be maintained and its condition monitored to ensure that it does not deteriorate and become a hazard. In buildings constructed after 1978, it is very unlikely that lead-based paint is present.

Due to the age of the subject property building, there is a potential that lead-based paint is present. Both interior and exterior painted surfaces were observed to be in good condition and are not expected to pose a health and safety concern to the occupants of the subject property at this time. However, actual material samples would need to be collected in order to determine if lead-based paint is present.

5.3 Adjacent Property Reconnaissance Findings

Identified		Observation
Yes	No	
☐	☒	Hazardous Substances and Petroleum Products in Connection with Adjacent Property Use
☐	☒	Aboveground & Underground Hazardous Substance or Petroleum Product Storage Tanks (ASTs / USTs)
☐	☒	Hazardous Substance and Petroleum Product Containers and Unidentified Containers not in Connection with Property Use
☐	☒	Unidentified Substance Containers
☐	☒	Electrical or Mechanical Equipment Likely to Contain PCBs
☐	☒	Strong, Pungent or Noxious Odors
☐	☒	Pools of Liquid
☐	☒	Drains and Sumps
☐	☒	Pits, Ponds and Lagoons
☐	☒	Stained Soil or Pavement
☐	☒	Stressed Vegetation
☐	☒	Solid Waste Disposal or Evidence of Fill Materials
☐	☒	Waste Water Discharges
☐	☒	Wells
☐	☒	Septic Systems
☐	☒	Other

None of the above listed items were observed during the site inspection.

6.0 FINDINGS AND CONCLUSIONS

Findings

Recognized environmental conditions (RECs) are defined by the ASTM Standard as the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property. AEI's investigation has revealed the following recognized environmental conditions associated with the subject property or nearby properties:

- No on-site recognized environmental conditions were identified during the course of this investigation.

Historical recognized environmental conditions are defined by the ASTM Standard as an environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently. AEI's investigation has revealed the following historical recognized environmental conditions associated with the subject property or nearby properties:

- No on-site historical recognized environmental conditions were identified during the course of this investigation.

Environmental issues include environmental concerns identified by AEI that warrant discussion but do not qualify as recognized environmental conditions, as defined by the ASTM Standard. AEI's investigation has revealed the following environmental issues associated with the subject property or nearby properties:

- Remnants of two belowground hydraulic lifts/hoists were observed during the site reconnaissance. One lift is located in the northern shop area of the warehouse, and one lift is located in the southern garage area of the warehouse. The aboveground portions of both lifts have been removed; however, it was not clear whether the belowground portion of the lifts had been properly decommissioned, and records concerning the details of the removals were not available. According to the results of a ground penetrating radar (GPR) survey performed on November 30, 2004, belowground remnants of the former lifts were detected in both of the areas in question. Below the northernmost lift area, an object approximately 3 feet by 3 feet resembling a former hoist lifting base with a cylindrical piston was detected. Below the southernmost lift area, features resembling a fill plug for a hydraulic vessel and a remnant of a hoist platform and cylinder were detected. It is possible that the presence of the lifts and associated features has resulted in a limited impact to soil beneath the vicinity of the former lifts. However, based on the small quantity of hydraulic fluid used in connection with the operations of this equipment, the presence of this equipment is not expected to represent a significant environmental concern. Soil sampling may be required by local agencies if the remnants of the hydraulic lifts are planned to be removed in the future.

- According to historical sources, the subject property was formerly occupied by an automotive maintenance business known as Gerard's Tire Service from the mid-1960s until at least 1979, possibly until the mid-1980s. Although oil changes and other automotive services may have been performed onsite, the name of the business suggests that on-site operations were limited to tire replacement activities only. The lack of any records concerning the on-site use and/or handling practices of hazardous materials on file with any of the pertinent regulatory agencies or databases seems to support this. All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse.

- Miscellaneous hazardous materials are used in association with shop operations performed onsite. With the exception of minor staining observed throughout the warehouse floor, presumably originating from spray painting activities, no evidence of the mismanagement of these materials was observed during the site reconnaissance. All surfaces inside the warehouse are paved, and no floor drains, clarifiers, and/or oil-water separators (with the exception of exposed plumbing conduits in the former bathroom area) were observed inside the warehouse. The use of these materials onsite is not expected to represent a significant environmental concern.

- According to the regulatory database, a release of solvents occurred at the former Del Monte processing and packaging plant, located adjacent to the south of the subject property. The release was reportedly confined to soil only. Additional details, such as the date and extent of the release, were not provided by the database. The regulatory database lists the RWQCB as the lead agency; however, the RWQCB maintains that no records are on file for this site. No records concerning the release of solvents at this site are on file on the SCVWD. Because of the apparent lack of current regulatory engagement associated with this release, it appears that this event was given low priority. Although any significant releases at this site have the potential to impact the subject property (based on the assumed groundwater flow direction), the release was apparently confined to soil only, and the former tank areas at this site are presumably located south of Building #1. Furthermore, assessment of the subject property does not indicate that the subject property would be investigated as a source of this contamination, and it is unlikely that the subject property owner would be responsible for any clean up costs associated with the release at this site. Based on this information, no further action or investigation appears to be warranted at this time.

- Due to the age of the subject property building, there is a potential that asbestos-containing materials (ACMs) and/or lead-based paint are present. With the exception of the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building, all suspect ACMs and painted surfaces were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. It is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the

health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property.

Conclusions, Opinions, and Recommendations

AEI's investigation has revealed no other evidence of recognized environmental conditions associated with the subject property or nearby properties. AEI recommends no further investigations for the subject property at this time. However, it is recommended that the vinyl flooring materials in the vicinity of the former restroom in the southern section of the building be properly removed and disposed, in order to address the health and safety concern to the occupants of the subject property associated with the presence of potentially asbestos-containing materials (ACMs) at the subject property. Additionally, soil sampling may be required by local agencies if the remnants of the hydraulic lifts are planned to be removed in the future.

7.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONALS

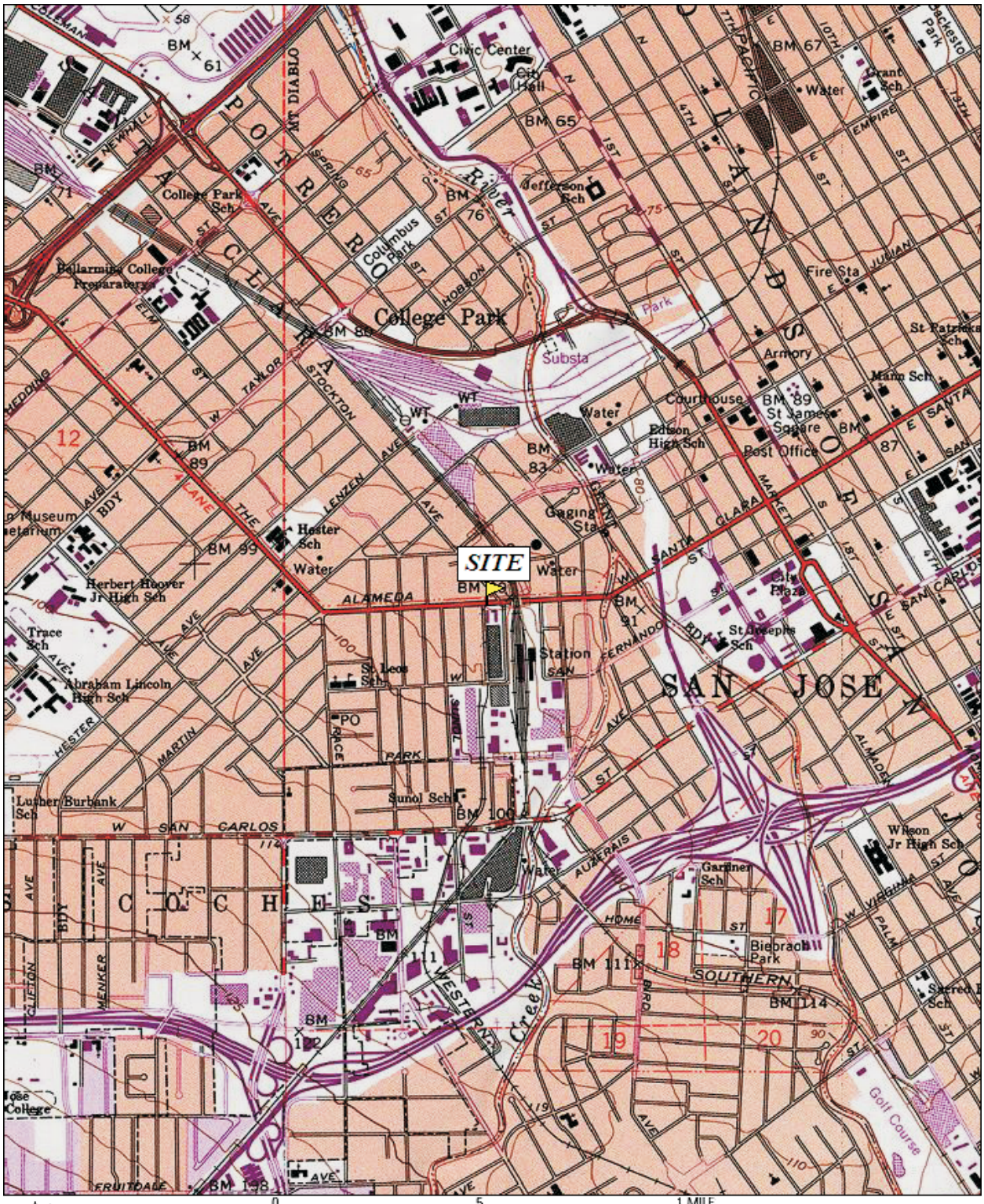
AEI Consultants has performed a Phase I Environmental Site Assessment for the property located at 746-748 The Alameda in the City of San Jose, Santa Clara County, California, in conformance with the scope and limitations of ASTM Standard E1527. Any exceptions to, or deletions from, this practice are described in Section 1.2 of this report.

Prepared By:

Matthew Bernard
Project Manager

Reviewed By:

Holly Gannaway, REA
Senior Author



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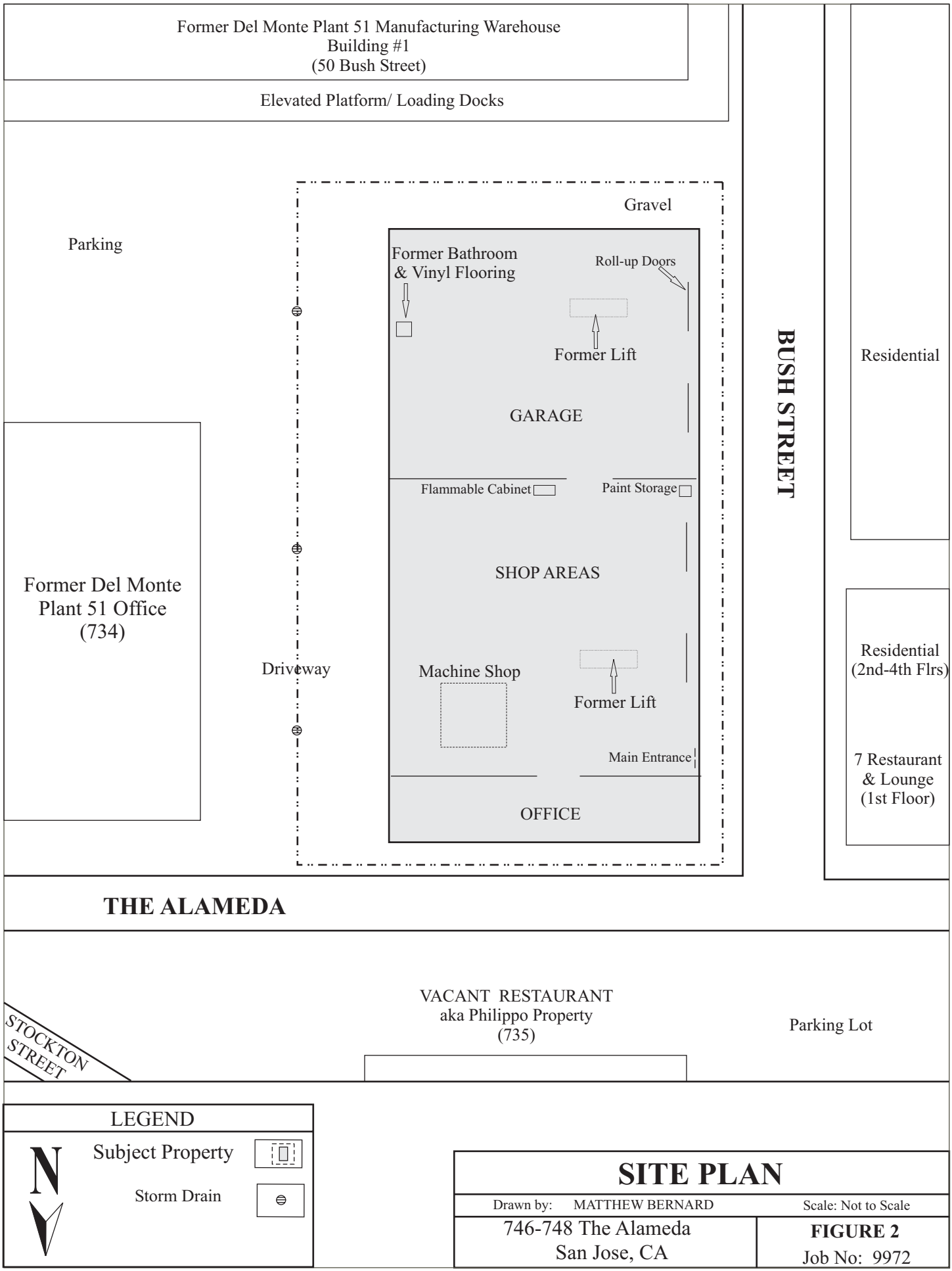
USGS TOPOGRAPHIC MAP
SAN JOSE, CA QUADRANGLE
Created 1979, Revised 1980

AEI CONSULTANTS
2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597

SITE LOCATION PLAN

746-748 The Alameda
San Jose, CA

FIGURE 1
Job No: 9972



SITE PLAN

Drawn by: MATTHEW BERNARD

Scale: Not to Scale

746-748 The Alameda
San Jose, CA

FIGURE 2

Job No: 9972

1. South-facing view of the subject property, from The Alameda.

2. East-facing view of the northern portion of the property, from the intersection of Bush Street and the Alameda.

3. Northeast-facing view of the subject property from Bush Street.

AEI CONSULTANTS

PROPERTY PHOTOGRAPHS

746-748 The Alameda
San Jose, CA

4. South-facing view of driveway located between the subject property and the office building adajcent to the east. The former Del Monte processing warehouse, located adjacent to the south of the property, is visible in the background.

5. Main shop area; doorway into office area is visible in the background.

6. Machine shop.

AEI CONSULTANTS

PROPERTY PHOTOGRAPHS

746-748 The Alameda
San Jose, CA

7. Minor staining observed throughout the shop floor.

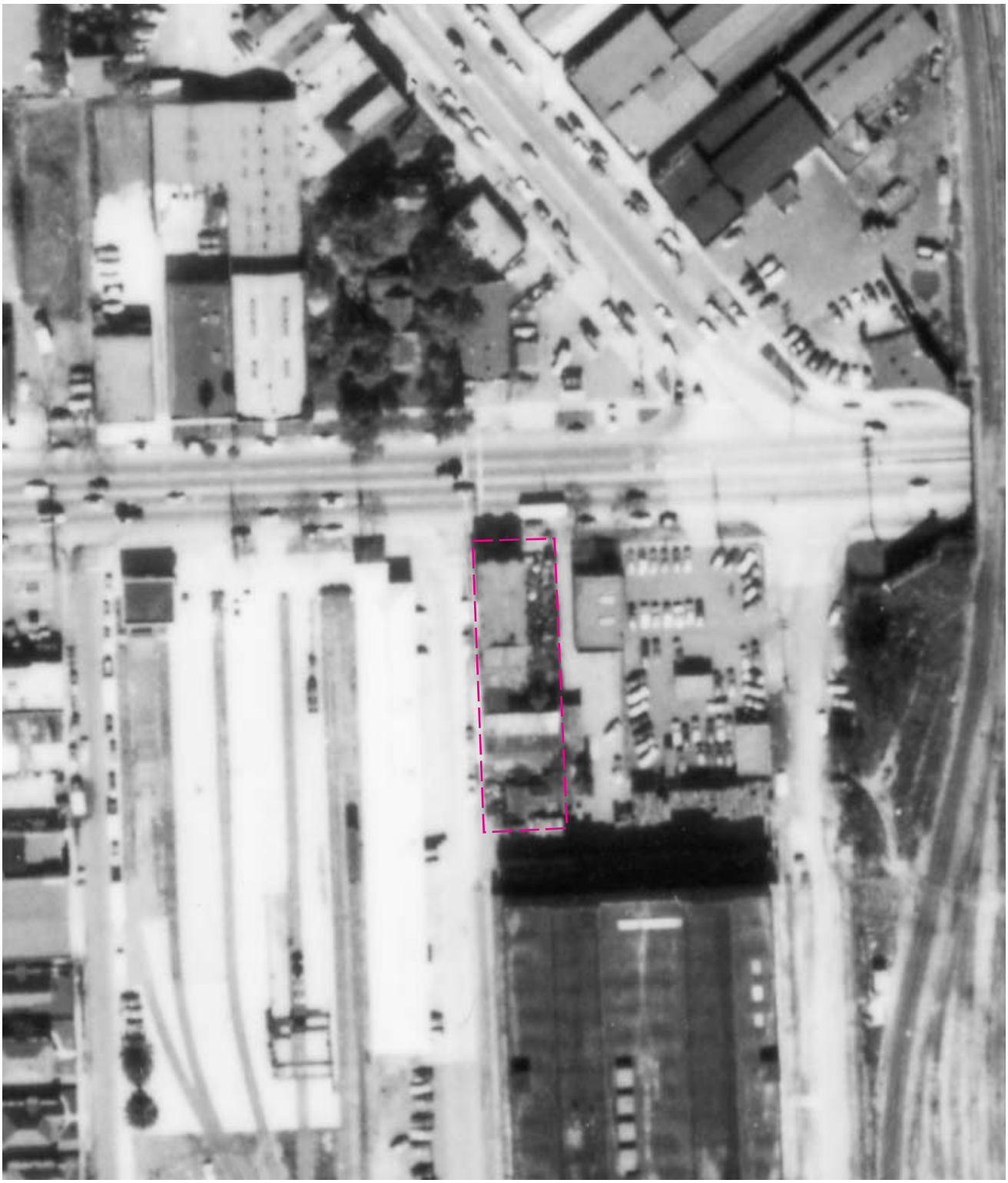
8. Flammable cabinet containing unused and waste paint thinners, lacquer thinners, and acetone.

9. View of former belowground hydraulic lift, in the southern section of the warehouse.

AEI CONSULTANTS

PROPERTY PHOTOGRAPHS

746-748 The Alameda
San Jose, CA



N

SUBJECT
PROPERTY

SOURCE: PACIFIC AERIAL SURVEYS
DATE: FEBRUARY 1954

AEI CONSULTANTS
2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597

AERIAL PHOTOGRAPH

746-748 The Alameda
San Jose, CA

Scale 1: 9,600

N

SUBJECT
PROPERTY

SOURCE: PACIFIC AERIAL SURVEYS
DATE: JULY 1994

AEI CONSULTANTS
2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597

AERIAL PHOTOGRAPH

746-748 The Alameda
San Jose, CA

Scale 1: 12,000

Appendix

September 8, 2005

PHASE II SUBSURFACE INVESTIGATION REPORT

748 The Alameda
San Jose, California

Project No. 12060

Prepared For

CFC Commercial
500 East Calaveras Boulevard, Suite 329
Milpitas, CA 95035

Prepared By

AEI Consultants
2500 Camino Diablo, Suite 200
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(925) 283-6000

AEI

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September 8, 2005

Mr. John Nguyen
CFC Commercial
500 East Calaveras Boulevard, Suite 329
Milpitas, CA 95035

Subject: **Phase II Investigation**
748 The Alameda
San Jose, California
AEI Project No. 12060

Dear Mr. Nguyen:

The following report describes the activities and results of the subsurface investigation performed by AEI Consultants at the above referenced property (Figure 1: Site Location Map). The investigation was requested to investigate whether a release had occurred from the former hydraulic lifts present on the property. The scope of work included drilling three soil borings and the collection and analyses of soil samples near the lift features.

I Background

The subject property (hereinafter referred to as the "site" or "property") is located in a mixed commercial and residential area of San Jose at the intersection of The Alameda and Bush Street. The property is approximately 10,000 square feet in size, improved with a building covering most of the property.

The property is currently vacant but was formerly equipped with two hydraulic lifts, assumed to be associated with the former tire business which occupied the property. One lift was noted in the northern section of the building, and the second in the southern section. The above ground portions of the lifts had been removed and the pistons appeared to be sealed. However a geophysical survey indicated that below ground features remained. Although AEI did not recommend any investigation during the Phase I Environmental Site Assessment (ESA), it was noted in that report that sampling may be requested in the future if the lift features were removed.

II Investigative Efforts

AEI performed a subsurface investigation at the property on August 19, 2005. A total of three (3) soil borings (labeled SB-1 to SB-3) were advanced. Although the initial scope of work included only two borings, a third was advanced near the southern lift area, as the piston and apparent fill piping were approximately 15 feet apart. The locations of the soil borings are shown on Figure 2.

Soil Sample Collection

The borings were advanced with a direct push drilling system to depths of 12 feet below ground surface (bgs) each. Soil cores were continuously collected in 2" diameter acrylic liners, from which a six-inch sample was chosen at 4 foot intervals. The selected soil samples were sealed with Teflon tape and plastic caps and placed in a cooler with wet ice to await transportation to the laboratory.

The borings were logged by the onsite AEI geologist. No hydrocarbon odor or obvious oil stained soil was observed during the advancement of the soil borings and sample collection. Refer to Attachment A for logs of the boring which include field observations.

Following sample collection, all drilling rods were removed from the boreholes and each was backfilled with neat cement grout.

Laboratory Analysis

On August 19, 2005, the soil samples were transported to McCampbell Analytical Inc. (Department of Health Services Certification #1644) under chain of custody protocol for analysis. Analytical results and chain of custody documents are included as Attachment B.

To confirm field observations that no release had occurred, two soil samples were selected for analyses. These two samples were analyzed for total petroleum hydrocarbons as hydraulic oil (TPH-ho) by EPA method 8015M and for polychlorinated biphenyls (PCBs) by EPA method 8082A. The remaining soil samples were placed on hold at the laboratory.

III Findings

The near surface native soil encountered during the drilling generally consisted of fine sand with varying amounts of clay and silt. A 1 to 2 foot thick well graded sand and gravely sand was encountered in two of the borings. Groundwater was not encountered during the investigation. Refer to Attachment A for detailed logs of the borings.

No evidence of a release of hydraulic oil was observed from the continuous logging of each of the three borings to a depth of 12 feet. No concentrations of TPH-ho or PCBs were detected in the two samples analyzed. Refer to Attachment B for copies of the laboratory analytical report.

IV Conclusions and Recommendations

This limited investigation was requested to investigate whether a release of hydraulic oil had occurred from the former lift features. Based on the results of the investigation, no evidence of a release was found. AEI recommends no further investigation of the lifts at this time.

V Report Limitation

This report presents a summary of work completed by AEI Consultants. The completed work includes observations and descriptions of site conditions encountered. Where appropriate, it includes analytical results for samples taken during the course of the work. The number and location of samples are chosen to provide the required information, but it cannot be assumed that they are representative of areas not sampled. All conclusions and/or recommendations are based on these analyses and observations, and the governing regulations. Conclusions beyond those stated and reported herein should not be inferred from this document.

These services were performed in accordance with generally accepted practices, in the environmental engineering and construction field, which existed at the time and location of the work.

If you have any questions regarding our investigation, please do not hesitate to contact me at (925) 283-6000, extension 104.

Sincerely,
AEI Consultants

Peter McIntyre, REA, PG
Project Manager

Figures

Figure 1: Site Map
Figure 2: Site Plan
Figure 3: Soil Sample Analytical Data

Attachments

Attachment A: Soil Boring Logs
Attachment B: Sample Analytical Documentation